

PATRICIA PLANK,
BARBARA M. GARNER,
BEARD OIL COMPANY

IBLA 72-343

Decided February 15, 1973

Appeal from decisions of the New Mexico State Office rejecting oil and gas lease offers for lands which are within a national forest and which may be under consideration for inclusion in a proposed wilderness area.

Remanded.

Oil and Gas Leases: Generally

Where it is impossible to ascertain from the record whether an area which had been offered for simultaneous leasing may be under consideration for inclusion in a proposed wilderness study area, the case will be remanded to the State Office to determine whether there are any present impediments to the issuance of a lease for this area.

APPEARANCES: Patricia Plank, Barbara M. Garner, each pro se; Beard Oil Company, by C. S. Dodson, Attorney in fact.

OPINION BY MR. STUEBING

Patricia Plank and Barbara M. Garner have each appealed from decisions of the New Mexico State Office, Bureau of Land Management, dated February 28 and 29, 1972, which rejected their respective oil and gas lease offers, NM 14109 and NM 14110. These offers were each successful at a public drawing held July 12, 1971. Subsequently, on January 12, 1972, assignments of the leases, if issued, from each of the offerors to Beard Oil Company were filed for approval by BLM. Beard has also filed an appeal.

The State Office decisions were based upon the objections raised by the Assistant Regional Forester, Southwestern Region No. 3, Albuquerque, New Mexico, Forest Service, United States Department of Agriculture, who advised that the lands in question were being considered as proposed new wilderness study areas and that operation

of the leases would not be compatible with classification of the area for wilderness purposes in the event that classification is desirable.

Beard Oil Company points out that it presently owns Bureau of Land Management leases in sections 3, 4, 9, 10, 13, 14, 15 and 16 of the same township in which the subject lands lie, together with other leases in surrounding townships. It requests that the State Office decisions be set aside and the leases issued so that it may explore the entire area for oil and gas. It points out that the lands covered by the lease offers lie within Lincoln National Forest and should be leased under the multiple use concept. Appellants request that some form of equitable relief be granted to allow the leases to issue, because supplies of oil and gas are being rapidly depleted and therefore, exploration should be encouraged. Alternatively, if the leases are not issued, appellants request that the offers be held in abeyance and not rejected until there has been a final determination as to whether the lands involved will be classified as wilderness area.

During the pendency of the appeals, we are advised, the areas nominated as proposed new wilderness study areas were subjected to a selection process within the Department of Agriculture, some of the areas being accepted and others rejected. The selection process resulted in the identification of 235 national forest areas which will receive further study for possible inclusion in the wilderness system. These are listed in CI Report No. 9, published by the Forest Service and dated January 1973.

Three of the proposed study areas are within Lincoln National Forest. The report does not accurately identify these areas, so it is impossible to ascertain positively whether the subject lands are still considered to be proposed new wilderness study areas. However, Map B, issued with CI Report No. 9, indicates that the subject lands are no longer included. Accordingly, the cases are remanded to the State Office, Bureau of Land Management, with instructions to ascertain whether there remain any impediments to the issuance of the leases.

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the

decision appealed from is remanded for further action consistent herewith.

Edward W. Stuebing, Member

We concur.

Douglas E. Henriques, Member

Anne Poindexter Lewis, Member

